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20 political subdivision of the State of California;
21 and YOLO COUNTY BOARD OF
22 SUPERVISORS

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24 UNITED STATES DISTRICT COURT
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26 EASTERN DISTRICT OF CALIFORNIA

27 GRANITE CONSTRUCTION COMPANY, A
28 California corporation,

29 Plaintiff,

30 v.

31 COUNTY OF YOLO, a political subdivision
32 of the State of California, and YOLO
33 COUNTY BOARD OF SUPERVISORS,

34 Defendants.

35 Case No. 2:21-CV-01362-JAM-JDP
36 Hon. John A. Mendez

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38 **CORRECTED STIPULATION AND**
ORDER MODIFYING PRETRIAL
SCHEDULING ORDER

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CORRECTED STIPULATION MODIFYING PRETRIAL SCHEDULING ORDER

The parties, through their respective counsel, submit this Stipulation to extend certain of the deadlines provided in the Court's original Pretrial Scheduling Order dated October 4, 2021 (ECF No. 11). This stipulation supersedes the previously submitted Stipulation Modifying the Pretrial Scheduling Order (ECF No. 15), which was an incorrect version the Defendants' counsel mistakenly submitted to the Court. A proposed order is attached as required under Local Rule 143(b).

1. The key dates stated in the original Pretrial Scheduling Order are:

- A. Discovery Cutoff, April 15, 2022;
- B. Dispositive Motion Cutoff, July 22, 2022;
- C. Dispositive Motion Hearing, September 13, 2022;
- D. Final Pretrial Conference, October 21, 2022; and
- E. Trial, December 5, 2022.

2. The parties have engaged in substantial written discovery and document production, and have scheduled, or intend to schedule, several depositions to be conducted before the current discovery cutoff.

3. In the last few weeks, the parties have conducted preliminary settlement discussions that could resolve this case. To facilitate their ongoing discussions, the parties have also determined that they should suspend their current discovery efforts and focus all their time and attention to resolving their disputes.

4. To provide for meaningful settlement discussions, the parties stipulate to modify the Pretrial Scheduling Order to extend the Discovery Cutoff and Dispositive Motion Cutoff by 120 days each, i.e., to August 14, 2022 and November 18, 2022, respectively, and to extend the Dispositive Motion Hearing date by a commensurate time to an available date on the Court's calendar. (Because the parties did not disclose expert witnesses per Fed. R. Civ. Proc. 26(a)(2), they do not seek to modify the expert-witness disclosure deadline, which has passed.) The parties further stipulate that their Joint Mid-Litigation Statements continue to be filed 14 days prior to the newly set Discovery Cutoff.

6. Because the foregoing stipulations would prevent the case from being tried on its

1 currently scheduled trial date, the parties request that the Court continue the trial date to the first
2 available date on or after April 24, 2023, and that it set a Final Pretrial Conference on a suitable date
3 in advance of the new trial date.

4 7. Beginning on the date the parties execute this Stipulation, the parties agree they shall
5 suspend all discovery, including as to (i) any current or potential motion practice regarding any
6 pending interrogatories, requests for admission, or requests for production of documents; (ii) the
7 propounding of any additional sets of interrogatories, requests for admission, or requests for
8 production of documents; and (iii) the taking of any depositions. Depositions scheduled as of the
9 date the parties sign the Stipulation shall be taken off calendar and rescheduled when discovery
10 resumes.

11 8. Beginning on the date they execute this Stipulation, the parties agree to in good faith
12 use their reasonable efforts to reach a mutually agreed upon settlement of their disputes and to pursue
13 settlement discussions for such time as is reasonably necessary to accomplish these commitments.

14 9. If, after making the effort required by the preceding paragraph, any party reasonably
15 believes further settlement discussions would not be productive, it shall give notice electronically
16 to the other party's counsel that it intends to resume discovery and active litigation of this matter.
17 Upon the giving of such notice, any party may, beginning on the next court day and thereafter,
18 engage in any discovery activity, including without limitation engaging in the meet and confer
19 process for existing discovery, propounding additional written discovery, and noticing depositions.

20 So stipulated.

21 Dated: March 22, 2022

COLE HUBER LLP

23 By: /s/ Derek P. Cole

24 Derek P. Cole

25 Attorneys for Defendants COUNTY OF YOLO, a
26 and YOLO COUNTY BOARD OF
27 SUPERVISORS

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1 Dated: March 22, 2022

2 HARRISON, TEMBLADOR, HUNGERFORD &
3 GUERNSEY

4 By: /s/ Mark D. Harrison

5 Mark D. Harrison
6 Attorneys for Plaintiff GRANITE
7 CONSTRUCTION COMPANY

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1 **ORDER**

2 For good cause shown, the Court approves the parties' Corrected Stipulation and orders
3 that the parties comply with all the terms and conditions as stated. To allow the parties to pursue
4 meaningful settlement discussions, the Court modifies the schedule stated in its October 4, 2021
5 Pretrial Scheduling Order (ECF No. 11) as follows. (This Order supersedes and replaces the
6 Amended Pretrial Scheduling Order entered on March 21, 2022 [ECF No. 16].)

7 1. The discovery cutoff is extended to August 14, 2022.

8 2. The parties shall provide their Joint Mid-Litigation Statements by 14 days prior to
9 the new discovery cutoff date.

10 3. The deadline for dispositive motions is extended to November 18, 2022.

11 4. The hearing date for any dispositive motions shall be January 24, 2023, at 1:30
12 p.m.

13 5. Trial in this action is continued to April 24, 2023, at 9 a.m..

14 6. The Final Pre-Trial Conference is continued to March 10, 2023, at 10 a.m..

15 7. All other deadlines identified in, and requirements of, the Court's October 4, 2021
16 Pretrial Scheduling Order (ECF No.11) shall remain the same.

17 IT IS SO ORDERED.

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19 Dated: March 23, 2022

/s/ John A. Mendez

20 THE HONORABLE JOHN A. MENDEZ
21 UNITED STATES DISTRICT COURT JUDGE
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